

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

0500.0008171

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on March 7, 2006

Signature

Typed or printed name Christine A. Wright

Application Number

09/747,770

Filed

December 22, 2000

First Named Inventor

Ron J. Vandergeest

Art Unit

2134

Examiner

Thomas M. Ho

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 34,414☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Christopher J. Reckamp

Typed or printed name

312-609-7599

Telephone number

March 7, 2006

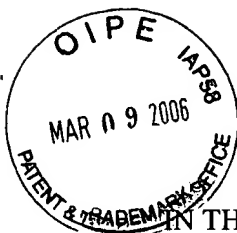
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ron J. Vandergeest et al.

Examiner: Thomas M. Ho

Serial No.: 09/747,770

Art Group: 2134

Filing Date: December 22, 2000

Docket No.: 0500.0008171

Confirmation No.: 4395

Our File No.: 10500.00.8171

Title: **METHOD AND APPARATUS FOR PROVIDING USER AUTHENTICATION**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Certificate of First Class Mailing

I hereby certify that this paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this date.

3706

Date

Christine A. Wright
Christine A. Wright

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully submit that the Examiner's rejection include clear errors because one or more limitations are not met by the cited reference. Claims 1-4 and 6-26 stand rejected under 35 U.S.C. §103(a) in view of Crane et al. (U.S. Patent No. 6,510,236). Claims 27-31 are allowable. Crane is directed to an authentication framework for managing authentication requests for multiple authentication devices such as token cards, biometric devices or scanners. A client unit passes to an application server a request for authentication that includes a user ID and device ID that identifies the token card, biometric device, scanner or other authentication device that is coupled to the client from which authentication information comes. The application server determines which device authentication server 18 the request is intended for and then forwards authentication data and the request to that device authentication server 18. If the device authentication server 18 verifies that the authentication data is acceptable, an authentication token is returned to the client by the application server 12. The only mention of an authentication server 17 appears to be in

column 5, wherein Crane teaches that the authentication server 17 is only used if necessary if the application server 12 obtains an authentication token therefrom.

In contrast, Applicants claims a different method and structure. For example, as to claim 1, the claim requires, among other things, sending, by a first unit, user identification data to an authentication unit and using user identification data, sent by the first unit to determine which destination unit will receive an authentication code to be used to authenticate the user. The method includes sending the authentication code to the determined destination unit based on the user ID and returning authentication code to the authentication unit and authenticating the user when the returned authentication code matches the sent authentication code. As such, the claim requires, among other things, sending and returning an authentication code and authenticating a user when the returned authentication code matches the sent authentication code. User identification data is used to determine which destination unit will receive the authentication code to be used to authenticate the user.

The office action states that the Crane reference teaches basically the entire claim. The office action equates the application server 12 to the “first unit” and the authentication server 17 to the “destination unit” and states “the user identification data is used by the application server (item 12) to access a database (item 15) to determine which destination unit (which particular authentication server) will receive the authentication code to authenticate the user...” (column 5, lines 1-20 etc.). Applicants respectfully submit that the office action mischaracterizes the Crane reference since user identification data in Crane is not used to determine which authentication server 17 (alleged to be equated to the claimed destination unit) will receive an authentication code to be used to authenticate the user. It appears that the office action misread the operation of Crane since there is only one authentication server 17 and hence there is no need to determine which authentication server 17 will receive an authentication code to be used to authenticate a user. In addition,

Applicants are unable to find any such teaching with respect to the authentication server 17 in the reference. In fact, upon closer evaluation of the reference, the words “particular device authentication server” appear in column 5, lines 18-21 but refer to the device authentication server 18 and not to the application authentication server 17, which is equated to Applicants’ claimed destination unit. Accordingly, the claims are in condition for allowance.

The Crane reference also fails to teach the claimed sequence of processes since the authentication server 17 alleged to be the destination unit, returns an authentication token only after the user is authorized by the application authentication server 12 (see column 5, lines 38-42). In contrast, the claim requires, among other things, using the user identification data to determine which destination unit will receive an authentication code to be used to authenticate the user. As such, the authentication code is used to authenticate the user and this authentication code is sent to a destination unit. The authentication server 17 in Crane does not operate in this manner since it only sends an authentication token once the user has been authorized.

Moreover, the claim requires sending the authentication code to the determined destination unit based on the user identification data. The cited portion, namely, column 3, lines 23-27 does not at all refer to a destination unit (the application authentication server 17). The cited portion is not referring to authentication server 17, but actually refers to the device authentication server 18. (See column 5, line 25). Accordingly, the reference does not teach what is alleged and the claims are in condition for allowance.

The office action also alleges that column 5, lines 33-37 teaches authenticating the user when the returned authentication code matches the sent authentication code. (See Final Action, page 6). However, there is no comparison or matching performed in the cited portion since it is not required by the system of Crane. Crane, in this portion, refers to a device authentication server 18 that determines whether the fingerprint scanner has been registered

with the system by checking a database 15. If the device has been registered with the system, then a “yes” indication is passed back to the application server 12. There is no matching of a returned authentication code with a sent authentication code as alleged. The cited portion instead states “upon receipt, the application server processes the response [yes or no response] as required and as a result knows the user is to be given access. It may then pass an authorization token back to the user, preferably encrypted in the session key.” The “yes” response is not matched with any authentication code as required by the claim. Accordingly, the claim is in condition for allowance.

In addition, the office action admits that Crane fails to disclose returning the authentication code to the authentication unit but that it would have been obvious in view of Crane itself to send an authentication code instead of a simple yes/no answer since it is alleged that Crane discloses this modification in his own invention. However, there is no teaching in Crane to modify this response. In addition, as noted above, this yes or no response is not used to authenticate the user but to the contrary, authenticates the device that has been registered with the system. For example, no user is authenticated by the information in the yes or no response which is alleged to equate to the returned authentication code.

The cited portion of the reference, namely column 5, lines 60-64 that is alleged to teach “that all the message, or a response string may be returned instead of a digital signature.” (see page 6 of response) does not state this proposition. Instead, the cited portion merely states that the various messages or response strings may be communicated “over a secure link as opposed to using encryption and digital signature schemes.” Accordingly, what Crane actually teaches is that the “yes” or “no” response may instead of being digitally signed, may be sent via a secure link. It does not teach the returning of an authentication code that is then matched with a sent authentication code to authenticate a user as required by the claim. Accordingly, the claim is in condition for allowance.

The other claims are also believed to be allowable for similar reasons.

Claim 10 is allowable for similar reasons and also because the cited portion of Crane does not refer to using a primary wireless channel in combination with a wireless back channel as claimed. The office action cites column 1, lines 25-39 and column 6, lines 1-14. These cited portions are silent as to the use of any back channel and in fact, column 1, lines 25-39 actually refers to the primary communication channel. The portion cited in column 6, lines 1-14 only refers to different authentication device types and does not appear to mention anything about a wireless back channel or use of a primary channel in combination therewith with the other limitations set forth in the claim.

Claims 17 and 21 are allowable at least for the same reasons given above with respect to the other corresponding independent claims and as such, Applicants respectfully submit that these claims are also in condition for allowance.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Crane in view of Bellare et al. Applicants respectfully reasserts the relevant remarks made above with respect to the Crane reference and as such, this claim is also in condition for allowance.

Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Date: 3/7/06

By: Christopher J. Reckamp
Christopher J. Reckamp
Registration No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005